

Charles C. Hine, Cape Charles, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 17, 1927, from the State of Virginia into the State of Maryland, of a quantity of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On November 8, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

**15512. Adulteration of scallops. U. S. v. George W. McCreedy (G. W. McCreedy). Plea of guilty. Fine, \$25. (F. & D. No. 22523. I. S. Nos. 14902-x, 14905-x, 16025-x.)**

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. McCreedy, trading as G. W. McCreedy, Oyster, Va., alleging shipment by said defendant, in violation of the food and drugs act, in part on or about February 7, 1927, and in part on or about February 8, 1927, from the State of Virginia into the State of New York, of quantities of scallops which were adulterated. A portion of the article was labeled, in part: (Tag on can) "Scallops From G. W. McCreedy \* \* \* Oyster, Va."

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been abstracted in part therefrom.

On November 16, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

**15513. Adulteration and alleged misbranding of Essence Grape or Essence Grape Aroma. U. S. v. 32 Gallon Bottles of Essence Grape Aroma, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18792, 20089, 20125. I. S. Nos. 17895-v, 17896-v, 24816-v, 24817-v, 24820-v. S. Nos. C-4419, C-4737, C-4747.)**

On June 19, 1924, May 28, and June 18, 1925, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 97 gallon bottles and 7 pint bottles of essence grape, and 46 gallon bottles and 9 pint bottles of essence grape aroma, at Chicago, Ill., alleging that the article had been shipped by Fritzsche Bros., Inc., from New York, N. Y., between the dates of February 14, 1924, and May 15, 1925, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fritzsche Brothers, Inc., New York, Essence Grape Aroma, Extra Concentrated True Fruit 1 Gal. (or "1 Pt.").

It was alleged in the libels that the article was adulterated, in that an artificially flavored imitation product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged with respect to a portion of the product for the reason that the statements "Essence Grape \* \* \* True Fruit," borne on the label, were false and misleading and deceived and misled the purchaser.

Misbranding was alleged with respect to the remainder of the said article for the reason that the statements "Essence Grape Aroma Extra Concentrated True Fruit," borne on the label, were false and misleading; for the further reason that the said statements deceived and misled the purchaser, in that the product was not "Essence Grape Aroma Extra Concentrated True Fruit," but was an artificially flavored imitation product; and for the further reason that the

article was an imitation of and was offered for sale under the distinctive name of another article.

On November 23, 1927, Fritzsche Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, a finding was made by the court that the product was adulterated, but that such adulteration was without the knowledge of the claimant, but was in the raw material the presence of which was not known to claimant. Judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled "Imitation Essence Grape Aroma, Artificially Flavored," under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**15514. Adulteration of canned tomatoes. U. S. v. 50 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21511. I. S. No. 7508-x. S. No. E-5924.)**

On December 31, 1926, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of canned tomatoes, remaining in the original unbroken packages at Florence, S. C., alleging that the article had been shipped by J. W. Gillaspie & Co., from Appomattox, Va., October 8, 1926, and transported from the State of Virginia into the State of South Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride of Bedford Brand Tomatoes \* \* \* Packed by J. W. Gillaspie & Co., Bedford, Virginia."

It was alleged in substance in the libel that the article consisted of swells and springers, and was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 11, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15515. Adulteration of scallops. U. S. v. William S. Travis (L. B. Travis & Son). Plea of guilty. Fine, \$25. (F. & D. No. 21606. I. S. Nos. 7795-x, 7796-x, 7798-x.)**

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William S. Travis, trading as L. B. Travis & Son, Cape Charles, Va., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about February 11, 14, and 17, respectively, from the State of Virginia into the State of Maryland, of quantities of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that valuable constituents of the article, to wit, scallop solids, had been abstracted in part therefrom.

On November 16, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

**15516. Adulteration of scallops. U. S. v. Gordon E. Milbourne and Woodland Milbourne (Milbourne Oyster Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 21604. I. S. No. 7750-x.)**

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gordon E. Milbourne and Woodland Milbourne, copartners, trading as the Milbourne Oyster Co., Wachapreague, Va., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 22, 1927, from the State of Virginia into the State of Massachusetts, of a quantity of scallops which were adulterated.